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Sir, the men disloyal to the Union and Constitution.

SPEECH OF

Hon. JOSEPH K. EDGERTON,

OF INDIANA, Delivered in the House of Representatives, January 28, 1864.

In the House of Representatives, Mr. Wilson, from the Judiciary Committee, on leave, introduced the following joint resolution:

Joint resolution to amend a joint resolution explanatory of "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July 17, 1862:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the last clause of a joint resolution explanatory of 'An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels; and for other purposes," approved July 17, 1862, be, and the same hereby is so amended as to read: "nor shall any punishment or proceedforfeiture of the estate of the offender except during his life." This amendment being intended to limit the operation and effect of the said resolution and act, and the same are hereby limited only so far as to make them conformable to section three of article three of the Constitution of the United States: Provided that no other publie warning or proclamation under the act of July 17, 1862, chapter ninety-five, section six, is or shall be, required than the proclamation of the President made and published by him on the 25th day of July, 1862, which proclamation so made shall be received and held sufficient in all cases now pending, or which may hereafter arise

Mr. Stevens gave notice that at the proper time he would submit the following as an amend-

Resolved by the Senate and House of Representative of the United States of America in Congress assembled. That the resolution passed on July 17, 1862, entitled joint resolution explanatory of an act to suppress insurrection, et cetera, 1863, be, and the same is hereby

January 28, 1864.-The above joint resolution being under consideration.

Mr. Edgerton said:

Mr. Speaker, the speech of the gentleman from Pennsylvania, [Mr. Stevens] advocating his proposed amendment to the joint resolution now before the House, removes from my mind all doubt, if any existed before, as to the charac ter and objects of the act of Congress, of July 17, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other pur

I listened to and have read the gentleman's speech with deep, and I may say painful, interest. With the hand of a master, he has drawn in clear and bold outline, a sketch of the character and objects of the war as now waged by the Federal Executive. His propositions are substantially

1. That the existing war between the United States and the Confederate States is a civil war, carrying with it the character of public war, in which the United States on the one hand and the Confederate States on the other are belligerent parties, and as to each other independent and foreign nations, and the character of alien enemies attaches to all, including women and child-ren, who in fact, or by domicile, adhere to the Confederate States.

2. That the war has abrogated the treaty or compact called "a constitution," heretofore existing between the United States and the Confederate States, or their people, and neither can claim as against the other the aid of the constitution or of the laws passed under it.

3. That the territory of the Confederate States covered by the Confederate flag, is a for eign country whereof the lands are to be confis cated and sold, and the slaves of the people made free, and the States and their laws reorgan-

4. That he who now wishes to re-establish "the Union as it was," and to restore "the Constitution as it is," cannot escape the guilt of at tempting to enslave his fellow men. "The Union as it was and the Constitution as it is," is an atrocious idea; it is man stealing. That all the inhabitants of the Confederate States have forfeited all rights under the constitution which they have renounced, and that they are forever estopped from claiming "the Union as it was."

Sir, it is a question of grave significance to the people of the United States, and to the army of

the United States, as a part of the people, whether or not the gentleman from Peonsylvania [Mr. Stevens] speaks by authority.

On this point he uses this language:

"To gentlemen who were members of the last "To gentlemen who were members of the last Congress this is a repetition. At the extra session of 1861 I advanced the same suggestions; and I have repeated them on all occasions that I deemed proper since. They were not then quite acceptable to either side of the House. But I am glad to find that the President, after careful examination, has come to the same conclusion. examination, has come to the same conclusion. In details we may not quite agree; but his plan of reconstruction assumes the same general grounds. It proposes to treat the robel territory as a conqueror alone would treat it. His plan is wholly outside of and unknown to the Constitution. But it is within the legitimate province of the laws of war. His legal mind has carefully studied the law of nations and reached a just conclusion.

I do not now allude to the speech of the gen-tleman from Peonsylvania with a view to make it the chief theme of my remarks at this time, or tleman from Peonsylvania with a view to make it the chief theme of my remarks at this time, or to attempt an answer to it now; for even if I felt myself able to enter the field of argument with a gentleman of his eminent ability and great parliamentary experience. I should deem it due to my cause and to myself to devote to the speech more of time for investigation and thought than I have yet been able to give to it.

The speech is one that should be read and place here whose mind and heart cannot do justice to the constitution, we know that we honor it in thought, in word, and in deed, in the true sense in which Washington bouored it, as the palladium of American liberty.

The people of the United States, irrespective of party name, are in the broad and just sense of the term the constitutions of every Repreparative on this floor, and he is illy fitted for a place here whose mind and heart cannot do justice that the chief them of the Constitution, we know that we honor it in thought, in word, and in deed, in the true sense in which Washington bouored it, as the palladium of American liberty.

The speech is constitution, we know that we honor it in thought, in word, and in deed, in the true sense in which Washington bouored it, as the palladium of American liberty.

condered well by every man who desires to restore "the Union as it was under the Constitution as it is"—an expression, sir, I would here say, as grossly misunderstood as it is grossly misrepresented; and to the true friends of the Union as the Constitution made it the speech will suggest the pregnant question, is this a war for the Union? And they may further ask: To what good does the blood of our people flow like water, and taxation lay its iron hand upon our labor and our estates, if the Union and the Constitution be no longer our cause and justification? Many men, yes, tens and hundreds of thousands, who give the yar an earnest support, and would still support it for its just and constitutional purposes, will inquire, if the gentleman from Pennsylvania be the exponent of our war policy, whether it is not better to say to the States and people now composing "the foreign country" to the South of us, and once our sister States, "Wayward sisters, go in peace," than to attempt to force upon them, by the power of war, the iron bonds which the iron policy of the gentleman from Pennsylvania [Mr. Stevens] would forge

It is common, sir, for gentlemen on the other

side to denounce us, and the great Democratic

party of the North, as disunionists, sympathizers with rebellion, secessionists, disloyal men; and the word "traitor" almost fell from the lips of the gentleman from Ohio [Mr. Spalding] the other day in his allusion to his Democratic colleague [Mr. Cox.] Sir, if Jefferson Davis ever gave utterance to sentiments more disunion or disloyal, or ever indicated a more fatal purpose An souncing deaths with funeral notice attached, \$1; toward the Union and Constitution, than the gen-vithout notice, free. tleman from Pennsylvania has done in his speech. I have yet to find the record of such utterances; and I go further, sir, and say that if the President nia, and is carrying on the war for such purposes, then he is as essentially infidel to his oath of office and his high duty as a magistrate and a citizen as was Jefferson Davis when he commanded Beauregard to open his batteries against the walls of Sumter. Sir, it is a solecism, a mockery, and an absurdity to call such senti-ments as those of the gentleman from Pennsylvania "Union sentiments," or such a war as he would wage against the people of the South, now, as he claims, an alien and foreign people, "a war for the Union." It is the creed of the gentleman from Penosylvania, urged from year to year with all the energy of his powerful intellect and iron will, that has poisoned the minds of the people of this nation, North and South, toward each other tion are not all adherents of the Southern Confederacy, nor in the ranks of that "edious" Democratic party whom the gentleman from Pennsylvania seems so much to loathe and despise; the names of many may be found in the rolls of the "Loyal Leagues," and not a few even in high places of Federal power.

Sir, if the President and his party in power desire to deplete and demoralize the Army of the Union, and take from it and give to the rebellion all the moral power of a just cause; if they desire to remove all inducement for the free enlistment of men to recruit our Army; if they desire to make the conscription law a dead letter on the statute book; if they desire to sap the unsteady foundation, and tumble into ruin hopeless and irretrievable, the already inflated and insubstantial structure of our public credit; if they desire to prolong the war, to aggravate its porrors and intensify its hate, and enlist against us the sympathies of the civilized world, and finally to secure to the Confederate States their ndependence as a nation, leaving the name and glory of the United States as but the shadow of a once mighty name and power in the earth, let the President and his party adopt and persist in an attempt to carry out the policy of the gentleman from Pennsylvania

In the view I have of the character and purposes of the party in power, as a revolutionary party, it seems to me of little importance, except as to form, whether the joint resolution reported by the Judiciary Committee, or the proposed amendment of the gentleman from Pennsylvania [Mr. Stevens], or that suggested by the gentle-man from Ohio [Mr. Spalding], be adopted by Congress. Either would remove the restriction virtually imposed by the President himself upon the act of July 17, 1862. That act as drawn was intended to work a complete forfeiture of the real and personal estate of the classes of offend. ers designated by it. Congress, under duress per minas from the President, as we are told, limited, by their joint resolution of July 17, 1862, the forfeiture of real estate under the act to the life of the offender. The object of all the proposiremove that limitation.

The real issue, then, raised by this debate, as s manifest from the tenor of the argument on both sides, is the issue of absolute, sweeping confiscation, either by legislation or judicial process. assuming to be within and according to the Con stitution, or by the laws and process of war out-

side of the Constitution. Upon that issue, were there no constitutional limitations or limitations of belligerent rights under the law of nations to affect it, I would oppose the joint resolution now before the House and the amendments proposed to it, on the broad grounds of Christian humanity and public policy. Assuming for the Federal Government all the rights and power of war claimed for it by the gentleman from Pennsylvania, [Mr. Stevens,] the spirit that would prompt their use to the ex-tent he contemplates is the tyrant's spirit, not the patriot's nor the philanthropist's. It is never wise nor well, sir, for any government to do all in the way of punishment or revenge toward its to do. On the contrary, we are told by a wise master of human nature that

"Earthly power doth then show likest God's. I have therefore felt it to be my duty to say something, more by way of general discussion than of legal argument, for that has fallen to abler hands, upon the questions involved in this debate. And first, my sense of what is due to my position as one of the minority here leads me to allude briefly to some offensive remarks addressed to us by gentlemen on the other side of

We have been told, sir, by one gentleman [Mr. Lovejoy] that we are here without a con stituency; by another [Mr. Davis] that we were sent here to embarrass the Administration, and that our support was not needed and would be looked upon with suspicion; and the word traitors was almost used by another gentleman [Mr. Spalding 1 in alluding to the Democracy of Ohio while the gentleman from Pennsylvania [Mc Stevens] spoke of the Democratic party generally as an "odious party, inspired by the love of slavery alone," and destined to "sink into utter con

tempt and despised of all men." Sir, I shall not comment upon the spirit tha evidently animated these remarks, further than to say that it is one not friendly to the wise and patriotic legislation which the peril of this nation now demands, and to further say that if the gentlemen on the other side will look to the returns of the fall elections of 1863, I think they will find that the minority represent upon this floor the opinions, the patriotism, and the determ ined purpose of not less than one million and tree intelligent electors in the State from whence we come; and, sir, that purpose is firm that neither the Federal Executive, of whose revolutionary policy and unconstitutional edicts the majority of this House seem to be the willing echoes and instruments, nor the revolutionary confederation governed by Jefferson Davis, shall ever destroy the Federal Union, or the Constitu-tion of the United States, which is its life and its

Oar constituency, Mr. Speaker, are interested in the Union and the Constitution. They have highly value. The history and glory of the Union belong to them as well as to the constituents of the majority. Our hearth stones and roof ents of the majority. Our hearth stones and roof trees, our wives and children, our lands and goods, our persons and one rights of every name and degree, are as much entitled to be, and claim as much to be, under the mgis of the Coustitution, as are, or can claim to be, those of the majority. Sir, if the gentlemen on the other side of this House claim to be friends of the Union, we know we are its friends; if they claim to re-

combinations struggling for mastery, and shaping our destiny as a people for weal or woe.

They are: 1. The party of secession led by Jefferson Davis and his condition—I care not what leading ideas in the minds of Administration menas to the ways and means of accomplishing name you give it-who are endeavoring by war the schemes of the party in power. The one is to destroy the constitutional union and govern-ment of the United States. 2. The party of the servative political education, or other causes. Federal Administration, a political party of many incongruous elements and conflicting principles, assuming to itself the name of Union party, intolerant even to fanaticism in its opinions, bold and violent in its declared purpose of crushing out rebellion, but at the same time daily asserting and exercising despotic power in the Federal Government and by Executive edicts by Canada and conflicting principles, are timid men, and by strategy and indirection would achieve destructive and revolutionary objects through the use of constitutional forms.—

To this class, which may be styled the conservative political education, or other causes, are timid men, and by strategy and indirection would achieve destructive and revolutionary objects through the use of constitutional forms.—

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To this class, which may be styled the conservative party in the Administration, the President of the achieve destructive and revolutionary objects through the use of constitution and the president of the achieve destructive and revolutionary objects through the use of constitution and the president of the achieve destructive and revolutionary objects through the use of gressional legislation, and by military power tion; men of more robust intellect, clearer men-combined, working a radical revolution destruct- tal vision, more energy of will and directness of ive of the basis and principles of the Federal sys-tem of constitutional government. 3. The cou-adherents; men of the stamp—if it may so say the historic name that has distinguished it, almost vens,] whose amendment would sweep away at from the adoption of the Constitution, as the once all the cobwebs of constitutional technical-

much as they please the support of the minority in his pathway. The gentleman from Obio, [Mr. in this House, or of the constituents we repre Garfield,] with the elasticity of youth, but the should know, or will know, perchance, before against the Constitution, but would overleap a million and a half of free born electors, are yet less elastic than the gentleman from Ohio, while without their aid it cannot be destroyed. Re | Herein is the cardinal difference viled and despised as they are by party opponents two wings or divisions of the Administration party of the United States, as it will be organ- his color and his cue from one side or the other test of 1864, will hold in in its hands the issue of may from time to to time be greatest. Barring these days of peril-Union or no Union, Consti | my utter abhorrence of the revolutionary pur tution or no Constitution; and they mean that poses of the party, what little of respect I have that issue shall be settled according to the Confort their methods, is with the radicals. With stitution and laws of the land; not otherwise. I them, we, whose duty it is to stand in defense of constituency we represent; for, sir, it is often as so as to him who would betray it with a kiss.

true of parties as of men grown proud by ill de-

proceeding to reach the common object of the shadow covers the land like a pall, and men gaze majority in regard to the subject matter of the on it resolution namely, the confiscation absolute and complete of the lands or real estate of the Southern insurgents. The policy, now no longer con cealed, but openly declared not only in the speech of the gentleman from Pennsylvania, but declared in this very Hall, a few evenings ago, and loudly applauded, in presence of the President himself, who was then, with like applause, it the child of the President; it has in it nothing re nominated for a second term of office, as the Southern States in insurrection, shall come un-der the control of the Federal Government, so ons white or black to whom that Government

equal rights and universal suffrage "

terion of loyalty, and to which it is expected that Congress and the courts of law, paramount even to that organe law by which the Presidential office is created and its powers defined, years claim of war." By secession and revolution, in ago declared that the Union could not permanently endure half slave and half free; and to the demonstration of the truth of what, when spoken, was but the pretentiously oracular utter ance of an obscure politician, the whole power of the United States is to be made subsidiary and subordinate even to the removal of the landmarks of property and the upturning of social systems and the virtual annihilation of the Constitution. Without the approval of historic res by the laws of war, and all that remains is to lessitution. Without the approval of bistoric ore cedent, or the sanction of sound political philosophy, or of true Christian philanthrophy, a grand utopian experiment to "wash the Ethiop white" is to be made at once, at every cost and hagard. And here, sir, I would remark that men have not been wanting, and they were many, who, while the irrepressible conflict between free and slave States was proclaimed by those now wielding the poweas of the Federal Government, clearly foresaw and gave warning that civil war and disunion in the United States were the inevisable results of that conflict if rasbly continued to be urged upon the people. The last three years have but proved the truth of history, that wisdom and warning are alike lost on men inflamed with the wild zeal of fauaticism, whether it be religious, philanthropic, or political.—The zealots of slavery and the zealots of and the results of their zeal are a broken Union, a dishonored Constitution, a land drenched with blood, filled with demoralization, sadness, and death, and already burdened with poblic debut whose giant form projects into the swift-coming future the gloom of national bankruptcy. The rame policy which was the chief exciting cause and forerunner of civil war is now its concomitant and the guide of the Federal Administration in its conduct.

tice and deal in equity with the rights and in-terests of the people of every State and section of the United States. There are rights of States. come free soil, that is soil whereof white men

as sovereignties and bodies politic, and rights of persons under the Constitution, for which we are here to speak, to deliberate, and vote; and as one, if but an humble one, of the minority. I be lieve I but utter their united voice when I say they will manfully do their duty in that regard, heedless of the taunts or threats of the majority. I have no ambition, Mr. Speaker, to distinguish myself in this House as one among the number of the destroyers of the constitutional sovereignty of Federal States. It is no part of my creed, as I understand it to be the creed of the gentleman from Maryland [Mr. Davis,] that "State rights are national wrongs." On the constitutional sense of the term, are rights, not form and control their domestic institutions, are stitutional sense of the term, are rights, not wrongs; and when I took my oath of office to support the Constitution of the United States I felt that it bound me as much and as sacredly to respect here by my voice and votes, and elsewhere by word and deed, the constitutional rights and sovereignty of insulted Maryland and down trodden Delaware, within their constitutional time and the expositions of the most eminent jusphere and jurisdiction, as it bound me to respect and support the rights and sovereignty of the United States in their sphere.

For one, sir, I have no respect for nor sympathy with the assassing of the constitutional rights of any Federal State of this Union, much less urging forward this giant schemes to subjugate, when the assassin's parricidal hand is turned impoverish, expatriate, or exterminate, millions against the State which gave him birth and to of a kindred race of white men, inheritors of the which he owes allegiance. I have no sympathy with that spirit of Jacobia ferocity displayed by some of the leaders of the Administration, who, in their thirst for blood and confiscation, are already rivaling the worst days of the French Revolution, when Heaven defying crime waded kneed of its oppressions and devastations, in its reckless deep in blood, under the banner of "liberty, expenditures and official frauds, its army and equality, and fraternity."

Navy contracts, its cotton and sugar speculations

Sir, as I look upon the troubled scene of our and kindred schemes of "loyal" enterprise, afford national affairs, I see three powerful parties or beart sickening revelations to men who love

Government, and by Executive edicts, by Con- men who originate and lead and shape revoluservative, or true Union party, better known by of the gentleman from Pennsylvania, Mr. Ste Democratic party, which, retaining its cardinal lities by which more timid and less clear sighted principles and distinctive organization as the men of his party would stop the onward progress party of the people, is resisting all efforts to de-stroy the Federal Government, from whatever idol sits enthroned. The timid men want abree they come, as well as all efforts to subvert | solute confiscation. It opens before them a wide destroy States, and is aiming always, whether field where revenge, philanthropy, and "loyalty" it uses the power of war or the spirit and argu- can all get profit and substantial reward. The ments of peace, to restore the disturbed balance Constitution is a lion in their path; a wall in of the Constitution, by recognizing and main- their way; a fortress and a rock of defense to taining both national and state rights, and bring- rights of States and rights of person and propering all into the healthy and beneficent action of peace and re-union under the Constitution.

The gentleman from Marpland and his coadju once strike the ramparts of the Constitution, or tors here or elsewhere may affect to despise as push it aside as an unwritten parchment if it lay sent; but I say to the gentleman, that which he discretion of age, would not rush deliriously many moons have waxed and waned, that our at a bound. Conservative legislators here, less constituents already numbering, as I have said, bold than the gentleman from Pennsylvania, and a power in this Union of States; a power whether professing a desire to do nothing contrary to it, for peace or for war; a political power at the would crawl over, under, or around the Consti-ballot box, and a material power for war. With tution, into the elysium of national salvation and out their aid this Union cannot be restored, and universal freedom which they see beyond it .of more zeal than knowledge, or of more malice party, and the President seems neither by nature than patriotism, the conservative Democratic nor in fact to be the leader of either but to take ized and represented and led in the grand con- as the pressure or need of support from either warn the gentlemen who taunt us with having no the Constitution, krow we will have an open field constituancy, and scoff at our and their support, and a fair battle. From a man who openly curses that they do not too much ignore nor despise the the Constitution we know what to expect. Not

served success, that "pride greeth before de- breathing, remorseless Mars, is the divinity the struction, and a haughty spirit before a fall." gentleman from Pennsylvania [Mr. Stevens] calls These, sir, are my answers to those gentlemen in to his aid. This war power, which, in the form it this House, who, arrogant with the power of now assumes, was unseen and unsuspected in the their majority, daily losult us and the constituents we represent with taunts, which, to say intion, has suddenly sprang from it, full armed the best of them, are not the arguments of like Pallas from the brain of Jove; or I might better say that like the little cloud no larger than In the joint resolution now under consideration | a man's hand, which Elisha saw from the top of and in the proposed amendment of the gentle- Carmel coming up from the horizon of the sea, man from Pennsylvania, [Mr Stevens] I see the the war power has grown and spread from a evidence of two distinct ideas as to the mode of misty, dimly seen nebula, until its deep dark

> "As men who watch the thunder cloud in fear, Lest it should break above them ' This war power as it is now sought to be ap-

astrument, but a revolutionary invention of rad-

ical minds. It is no legitimate child of the Con-

plied to our jurisprudence is not a constitut

stitution; it does not bear its lineaments. Nor is of his intellectual or physical conformation. exponent and representative of that policy, de- has been brought to him as an ally and helper; mands that the territory, the actual soil of the something whereon he might lean, and to some extent he has used it. He has used it to effect the radical end of the emancipation of the slaves. that it can vest absolute titles in fee in the per- He used it first for this purpose with hesitation, with repugnance and great misgiving may grant it by sale or gift. Absolute title is thought a proclamation of emancipation under the wanted and must be had, or the party in power war power would be thunder without the now thoroughly educated into the most radical bolt or the electric shock, or like the Pope's abolition policy, will fail in the purpose which has bull against the comet. But the Presibecome its grand controlling purpose in this war. dent's mind is changeful. What he thinks or declares to-day he may not think or declare gation of the Southern or slave States to the Northern or anti slavery States, re-organizing them on the Northern or New England basis—a with use is growing enamored, as boys grow in basis clearly declared in well-seeming words by the present head of the Department of State, in a and as men grow pleased with power by using it, speech made at Chicago in October, 1860, when the gentlemen from Pennsylvania has no fear nor doubt in using. He marches boldly up to the issue of confiscation, and claims it, not as a "Freedom was to be maintained and carried on punishment for treason under the Constitution. on this continent, by federal states based upon but as a belligerent right of the conqueror over the principles of free soil, free labor, free speech, the conquered, outside of the Constitution. Against the theory of the inviolability of the The Chief Magistrate, to whose proclamations constitutional Federal Union, State rights, the sworn assent is now demanded as a test or cri- rights of property and person under Federal and

of the party in power, their majority in the 37th good thing, but it was clear that after the argument congress passed the confiscation act of July 17, ment of the President bimself in his veto mes-

of the party in power, their majority in the 37th Congress passed the confication act of July 17, 1862.

The first object expressed in the title of this act was "to suppress insurrection." As to that object no man questions that the act has signally failed, as the experience of history proves that all attempts to deal with a great revolution, a general uprising of a people educated in principles of a free constitutional government, by hurling at them the thunders of vindictive legislation have also signally failed. Revolutions are never conquered by vindictive legislation on the flight of the way, or its effect neutralized by legislative encetment or explanation, there was inspiration of despair, but they never conque nor suppress a revolution. Armies may do it, but vindictive legislation never did and never will. They are "bloody inventious, which, being taught, return to plague the inventor." Liberty may be crushed out by the strong arm of material power, but laws cannot caush it, for liberty and law affiliate. They are twin sisters, co equal in origin and duration, and when society is normal, they ever cling with loving kindness to each other. Law was not born to be the tyrant of liberty, but her sister and her ally.

As an act to punishment of treason, and rebellion, and to acine and condiscate the trooperty of rebels, the purposes and terms of the act of July 17, 1869, are clear enough: The first four sections relate to the punishment of treason, and rebellion below the grade of constitutional treason. The fifth section makes it the duty of the President to cause the seizure of the property, real and personal, of all the higher or official grade of persons who should thereafter participate in the rebellion, such property to be applied and used for the support of the army of the United States. Section six went further, and extended the President to cause the seizure of the property, real and persons who should thereafter participate in the rebellion, such property to be applied and used for the support of t

Section six went further, and extended the President's power of seizure and application to the support of the army, to all the estate and property of all other persons engaged in or aiding the rebellion who should not, within sixty days after public warning and proclamation by the President, transfers of such property and estate after the Administration.

expiration of said sixty days. Sections seven I do not hesitate, Mr. Speaker, upon my reand eight prescribed the judicial proceedings in sponsibility as a Representative, to say that the rem by which the property thus seized should be 'condemned as enemy's property, and become the President's Inaugural Address of March 4, the property of the United States," to be dis

port of the army. ongress to declare the punishment of treason history, the wisdom and the judicial belligerent or war right of seizure and confisca- "honest." tion. Thus, while Congress in one breath were declaring that traitors and their abettors should be hung, or imprisoned and fined, and their slaves joint amendatory resolution now before the made free, in another breath they were providing House. that their estates and property should be seized, 1. This resolution proposes to substitute

condemned, and sold as enemy's property. y fighting for it, were subject only to the laws to be stricken out by the amendment. and entitled to the rights of war. He could not of September 22, 1862, January I of 1863, and ng in military exercises.

against the act as proposed, that I quote briefly could be forfeited. This is to all intents ex post

facto and retroactive legislation; imposing "That to which I chiefly object pervades most part of the act, but more distiantly appears in the first, second, seventh, and eighth sections. It

divesting of title forever. the guilty parties whereas the Constitution of the United States declares that no attainder of form, for the same offense

"With great respect I am constrained to say I think this feature of the act is unconstitutional. It would not be difficult to modify it." The point of the joint resolution of July 17 is

design of the author of sections five and six, &c. my life, if I did not enter my earnest and solemn of the confiscation act as to the rights of war, protest. and however much the President may have misconceived the real point of the law, it is plain that the joint resolution put the construction and effect of the law beyond question, (except with Judge Underwood,) and forbade the confiscation of real estate of offenders beyond their life estates, thus carrying out the plain meaning of the Constitution and the ideas of Madison and Story of the constitution and the ideas of Madison and Story of the constitution and the constitution and the ideas of Madison and Story of the schemes of subjugation and overthrow of States and extermination or expatriation of their people that you are to conquor rebellion and restore the Union and Constitution to their pristine peace and integrity. The work of true restoration must begin in the hearts of the people, in driving out the restoration and the ideas of Madison and Story of the constitution and its same and extermination or expatriation of their people that you are to conquor rebellion and restore the union and constitution to their pristine peace and integrity. The work of true restoration must begin in the hearts of the people, in driving out the plain meaning of the constitution and the ideas of Madison and Story of the constitution and constitution and constitution and constitution to their pristing peace and integrity.

cease to rebel or abet rebellion; and the act of desires of the radical and revolutionary men who seizure was made operative to defeat all sales or are determined to control, and do control, this

posed of as the court shall decree, and the pro-ceeds thereof paid into the Treasury of the United States for the purpose stated—namely, the sup-the nation's fate, fear of disunion and civil war, ort of the army.

I do not know who was the author of this act declaring as the law of this land the proclamaof July 17, 1862, but it is apparent that there is tions of January 1 and December 8, 1863, is in it a strange mixing up of and attempt to en-force belligernet and municipal rights against the preme Court of the United States, that it, or a same persons. The first four sections are evidently intended to be constitutional or municipal of the United States means just what this Adlegislation, based upon the constitutional power ministration wants it to mean, regardless of the and its implied power of declaring and punishing of the past. We live, sir, in the midst of a great crimes against the United States, and clearly revolution, and of the ways and means to ends contemplated indictment and conviction under which revolutionists will use if need be. Ambithe Constitution. Sections five, six, seven and tion and suddenly acquired power may and do eight, inasmuch as they do not conform to any corrupt and drag from their moral moorings the constitutional provision in regard to treason and souls even of men who have had greatness thrust its punishment, although aimed at persons guilty upon them, because their neighbors and the of treason, seem to be based upon an assumed world applied to them the epithet or the title

place of the language of the joint resolution of The President—either because less clear head ed, or more timid or more scrupulous about over- of the second clause of section three, article riding the Constitution, did not view the law in three of the Constitution, or not, absolutely pre-the light of a law based on the rights of war vented the forfeiture of more than a life estate, alone. He either did not see or would not admit the words "except during," as used in the Conthe propriety in one and the same law of dealing stitution itself, instead of "beyond" as used in the with rebels as traitors to be indicted, convicted original joint resolution; the word "except" be with rebels as traitors to be indicted, convicted original joint resolution; the word "except" beand hung, or fined and imprisoned, and as alien ing the little loop whereon the astute Underwood enemies, citizens of a "foreign country" owing had hung his doubt. The word "real" before allegiance to a foreign power, who, if patriotical estate in the original resolution is also proposed estate in the original resolution is also propose 2. For fear that this amended phraseology

divest his mind of the very natural idea that the might still be construed as a restriction upon the rebels were in law citizens of the United States power of forfeiture beyond life, the intent and meaning of the proposed amendment is declared tors, not alien enemies. He had not at that time, as his subsequent conversation with the cation act is only limited so far as to make it two Chicago elergymen on the 9th of September, eonform to the Constitution, sec. 3, article 3. In other words, it means that the act of confiscation sion and wise appreciation of the war may be treated as empowering absolute confiscapower and military necessity which the gentle-man from Pennsylvania now vouches for and the of the United States Supreme Court upon the President has since shown in his proclamations question whether more than a life estate can be

forfeited under the act. December 8, 1863, saying nothing of sundry in-termediate exercises of the war power in dealings dent's proclamation of July 25, 1862, based on with the habeas corpus and personal liberty. section six of the act of July 17, shall be held The President under the instructions of the gen-tleman from Pennsylvania, is evidently improv-offending persons within the operation of confis-When the President who had read Blackstone establish the right and fact of forfeiture, as dating and Kent and Story and Mr. Madison in the sixty days after July 25,-1862. This provision Federalist - whose pregnant and authoritative leaves no door of escape, except through the opinion has been aptly quoted by my friend from opinion has been aptly quoted by my friend from mercy of the President, to offenders who, though then rebels, may since have ceased to be such, from those great worthies in jurisprudence to the and is another evidence of the vindictive and sweeping confiscation declared in sections five unjust spirit that pervades the confiscation policy and six of the act, he was staggered, he doubted The President's warning of July 25, 1862, esand hesitated, and finally concluded to change tablished a period of sixty days after that date as the law, or kill it by the veto. The result was the time when a life estate only should become his message to Congress, of July 17, 1862, fol- forfeit, the confiscation act prohibiting any great lowed immediately by the passage by Congress of the explanatory joint resolution of the same date. It the President by similar duress per minas, had exercised similar conservative influence over the same Congress, he would have to sixty days after July 25, 1862, and divest the done wisely. The language of the President's fee simple from that time; when at that time message is in itself so strong an argument there was no law by which more than a life estate.

the first, second, seventh, and eighth sections. It is therefore apparent to my mind, Mr. Speakis the sum of those provisions which results in er, from the term of the joint resolution itself, and from the tenor of the orgaments of the gen "For the causes of treason and ingredients of the men who favor it, that it is a foregone conclusion and well understood that the judicial interclares forfeiture exceeding beyond the lives of pretation of the act of July 17, 1862, after this pretation of the act of July 17, 1862, after this joint resolution is passed, is to be such that the the United States declares that no attainder of treason-shall work corruption or blood or forfeiture, except during the life of the person attained.' True, there is to be no formal attainder in this case; still, I think the greater punishment cannot be constitutionally inflicted, in a different form for the same offense. South, and the more ignoble white men who are watching with vulturous eyes to plunge spon the confiscated spoil of the conquered rebels of the South. Against such a scheme, sir, I would be untrue to the best instincts of my own nature, untrue to that divine religion which I profess to "Nor shall any punishment or proceedings un-der said act be so construed as to work a forfei-true to the cardinal principles of the law of nature of the real estate of the offender beyond his tions and the constitutional jurisprudence of my Now, whatever may have been the original tion, for whose salvation I would willingly give

It is not by such means, sir, nor by any of your upon the subject.

It is to be borne in mind that at this time the slaves were not emancipated. The war power in its loftiest flights had not attained to that bad the follies and sins of the past.

slaves were not emancipated. The war power in its loftiest flights had not attained to that bad emisence. The necessity of free soil for freed men did not then exist. The President had not been 'educated by the Boston Gamaliels and Pauls of abolition, or by the gentleman from Pennsylvania, up to the standard of the "proclamation of emancipation." So soon as the policy was adopted, the embarrassment of the restriction on confiscation under the act of July 17th was at once felt. It was expressed by the Solicitor of the War Department on page 120 for his pamphlet, entitled "the War Powers of the President," where he says:

"It is much to be regretted that the joint resolution of Congress should have been so worded as to throw a doub' upon the construction of that part of the statute, if not to paralyze its effects upon the only class of rebel property which they cannot put out of the reach of Government, namely, their real estate."

But in course of time a legal luminary arose in But in course of time a legal luminary arose in Eastern Virginia, who was wiser than Madison or Story, and he threw a ray of light upon the Constitution which was at once hailed as a glad omen by the men whose designs upon the estates of the South had been balked by the explanatory resolution of July, 1962.

The brilliant decision of Judge Underwood in the face of the positive language of the joint resolution, was considered a very timely and shartered weeks of youthful manhood all over the land, tell too truly how well and bravely our soldiers have fought. Let us stand by them and all who are dependent upon them, as we expect our soldiers to do their duty to us. If it be necessary, as it may be, to break the military power of the States in arms against us, let it be broken speedily and in your first wife's coffin."

effectually, not by paper preclamations and paper confiscations and bureaus of freedmen's affairs, but by battles, sieges, strategy, and all the highest skill and power of war on land and sea.

But, sir, there is a power which, in the experience of history, ever has proved and ever will prove more potent than armies and navies to quiet discontent, to restore order, establish law, and give to a government its strongest and best foundation in the love of its people—that is, the power of right; and by right I mean not alone justice, but equity, charity, mercy, kindness-all those noble attributes of humanity which unite men in the bonds of mutual respect and

Sir, have we no faith in God, no faith in the divine religion of Christianity, no faith in the kind charities whose gulden threads interlace, ike nervous fibres, even the most rugged human natures, if we will but feel for them with a ten der hand, that we, as legislators, should declare, as a majority of this House have declared, upon the resolution of the gentleman from Kentucky [Mr. Smith. ! that

"The only hope of saving this country is by the power of the sword, and that we oppose any armisuce or intervention or mediation or propo-sition for peace from any quarters as long as there shall be found a rebel in arms against the

Government ?" Is that, sir, the spirit in which this Union was formed and waxed great in power and glory un-der the benign influence of peace? Is that the spirit by which the Union is to be restored and preserved? Far from it. In sober reason I ask, sir, shall the foolbardiness or wickedness of one rebel in arms be enough to silence the myriad voices pleading for peace, and continue upon this nation the curse of disunion and civil war? I trust it is not so. Will the world scorn us, will history reproach us, will wise and good men doubt our wisdom or our manhood, if, while we maintain our armies, as we should, to defend our States and our supreme law from the power of the armies of the rebellion, we also use, all the while, in every way, by arguments, by appeals, by forbearance, by concessions, if need be, the power and influence of peace to bring back, as willing freemen, not as relunctant slaves, to the common shelter and fold, the wanderers from our fathers' house of Federal Union ?

Sir, while I love the Union and the Constitution, and repudiate secession and denounce it as a suicidal folley, and its acts as an enormous public crime, and while I long for the overthrow of rebellion and infidelity to the Constitution of my country, I will also say, regardless of the motives that may be imputed to me, that I indulge no malice nor hate to any man, woman, or child in the States in rebellion, and far rather would 1 win them to our cause by words of peace than to destroy or subdue them by the power of war,

Sir, let this Administration give some heed and deference to the opinions and arguments of the multitudes of faithful Union men in all the Union States, and even in rebellious States, who differ with itseelicy, and rise above and abandon the extreme dogmas and policy of party, and repudiate emancipation and confiscation and expatriation or extermination by Federal power, and try with earnestness and in good faith in any form or in any way-I care not what, so long as it neither degrades nor dishonors us, nor thore we would win back to us—the power of a tender of the Union under the Constitution as it is, with full amnesty and pardon for the past, to the rulers and people in rebellion; and if we do not gain our cause by the offer, we at least do not weaken it nor strengthen that of the enemy by such effort to deal with them in the spirit and by the methods of the Constitution.

Sir, if the President peeds arguments and precedents for such an effort of magnanimity and true statesmanship, let him consult the bistory of his own country Let him turn to the reco and precedents referred to in the able and eloquent speech of the gentleman from New York, Mr. Fernando Wood | Let him go beyond those records to those of the British Parliam in the days when the elder and younger Pitt and Burke and Fox and Camden and their compeers appealed for justice, for the principles of the British Constitution, for liberty, for law, for peace in behalf of the "rebels" in the American Colonies, instead of urging against them the vengeance and havor of war. Let him, and let other men, too, learn from such great exemplars in true statesmanship and lofty patriotism, that to plead for a just and honorable peace even with rebels in arms, is not treason to the Union and Constitution, nor sympathy with rebellion, any more than were the pleadings of Pitt and Burke treason to the Crown and realm of Eng-

Irish National Fair.

The Fenian Brotherhood propose to hold an Irish National Fair at Chicago during the wesk commencing on the 28th of this month. Extensive preparations are being made to make its success not only certain, but one of the most im posing demonstrations of the kind ever gotten up. Contributions are being forwarded from all quarters and the Irish ladies of this city are busy preparing articles for donations to manifest their zeal and sympathy in the cause which the Fair is designed to promote-"the interests of free governments." In the Fenian, a paper established to promote the success of the Fair, and which will be continued until its close, we notice letters from several distinguished public men expressing their sympathy not only in the objects of the Fenian Brotherhood, but forwarding likewise the material aid necessary to secure their success. Postmuster General Blair sends \$25; Schutler Colrax \$20; the 13th Indiana Volunteers \$100. Secretary SEWARD, Senator Daiges, of Michigan. and various other gentlemen, promise their aid. We copy the following letters from Governor YATES, of Illinois, and Hon. FERNANDO WOOD, to show the interest manifested in the success

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT, Springfield, February 4, 1864.) Cor. Sec'y Irish National Fair:

Str.-Your favor of the 30th ult has been received. I assure you of my high approval of the objects of the Fair, the amelioration of the condition of the people of Ireland, and the pros-ecution of the cause of Irish Nationality.

I have always felt sincere sympathy with the struggles of the Irish people for independence, and greet in your movement one of the means by which, on a not too distant day, may be added another to the list of ' free nations. I will be most happy to contribute in season, as far as my limited means will permit, to pro-

mote the object of your Fair. I am, sir, very respectfully, RICHARD YATES.

HOUSE OF REPRESENTATIVES. ? Washington, Feb. 12, 1864. DEAR SIR-I am in receipt of your favor of the 30th ult., with enclosure asking aid in behalf of the Grand National Fair to be held under the auspices of the Fenian Brotherhood, for objects which commend themselves to my sense of justice, right and natriotism

I enclose a check for one hundred dollars, and would give all I am worth if by so doing I could advance the cause of Irish Nationality to suc-

cessful completion.

Very truly yours,

FERNANDO WOOD.

Judge Onigen S. SEYMOUR, accepting the Opposition nomination for Governor of Connecticut, says: I am for the restoration of the Union as it was

under the Constitution as it is, and I believe that such restoration is the earnest desire of the peace loving and law-abiding citizens of the Republic. To the Union thus restored, allegiance is due from all and may be exacted of all. We may rightfully and by force of arms compel obedience to the Constitution as it is; but not to a reconstructed and altered government, without violating the first principle of civil liberty that "governments derive their just powers from the consent